

UTAH HAS HIGHLY PROFESSIONAL AND ETHICAL PROSECUTORS BECAUSE OF UPC'S TRAINING

THE STATE OF UTAH HAS A VESTED INTEREST IN FULLY FUNDING THE TRAINING OF UTAH'S PROSECUTORS

1. UPC has a statutory mandate to train Utah's prosecutors and law enforcement officers. U.C.A. 67-5a *et.al*.
2. The legislature continues to recognize UPC's value by tasking it with additional requirements: 2017's HB 200 Sexual Assault Kit Processing Amendments (UPC and POST to develop training in trauma informed response to sexual assault and sexual abuse cases.), 2020's HB288, Prosecutor Data Collection Amendments (UPC manages the case management system referred to in the bill.), 2021's SB98 Asset Forfeiture (UPC and POST to develop training in asset forfeiture.) 2022 has pending bills directly affecting UPC.
3. Utah prosecutors prosecute state law. All felonies and many misdemeanors are prosecuted in the name of the State.
4. Prosecutors do not have clients. They represent the State, the People.
5. The People have a right to expect their prosecutors be the best trained in the law, ethics and professionalism.
6. UPC is the only entity that trains Utah's prosecutors on Utah legislative and case law. The Utah State Bar does NOT offer this kind of training.
7. If prosecutors are poorly trained in statutory and case law, the training they give their law enforcement officers is equally poor. Poorly trained officers result in errors made on the street. These errors can result in significant liability to the state through expensive litigation, court judgements or settlement agreements. Well trained prosecutors and police ensure justice is served.
8. The Attorney General's Office has ultimate review authority over all 1st degree felonies. Most, if not all cases reviewed, are the result of alleged error or mishandling of the cases. Errors occur as a result of poor training. When more cases are reviewed there is an increased cost to the state: from hiring staff to review or defend cases to paying expensive settlement costs when error is in fact present.
9. Utah's laws should be uniformly prosecuted and enforced. Uniformity is achieved through UPC's training. A DUI or domestic violence case should be prosecuted the same in Hurricane as it is in Cache County.
10. National prosecutor conferences do not train on Utah law and are cost prohibitive.
11. Networking is a vital component of successful prosecution and takes place at UPC conferences. Information and resources are shared. Relationships are formed and trust is established. This is especially important for small jurisdictions.
12. Raising UPC's registration fees \$50 per year for the next six years will result in registration fees of **\$425**. For the majority of prosecutor offices across the state, this will make attending UPC conferences cost prohibitive.
13. Small prosecutor offices do not have the resources, time or expertise to conduct "in-house" training.
14. If larger offices conduct "in-house" training and do not send their prosecutors to UPC conferences, all prosecutors lose out on networking opportunities and UPC loses a source of revenue from registration fees.
15. When UPC was created in 1990, all training was funded by the criminal surcharge. As the surcharge began to decrease registration fees were charged.
16. In 2020 when UPC's funding source became general funds, the intent was to provide a stable and secure source of revenue for UPC to train Utah's prosecutors. That stable and secure funding is being jeopardized by the LFA's proposal.
17. The State funds training for peace officers through POST. The State should also fund training for prosecutors through UPC and continue to do so.

**A SAVINGS OF \$28,800 PALES IN COMPARISON
TO THE VALUE THE STATE GAINS FROM
INVESTING IN THE TRAINING OF ITS
PROSECUTORS!!**

"The [prosecuting attorney] is the representative... of a sovereignty... whose interest...in a criminal...prosecution is not that it shall win a case, but that justice shall be done. [H]e [or she] is a...definite servant of the law."
Berger v. United States, (1935) 295 U.S. 78,88

**Do NOT
approve the
LFA's reduction
proposal as it
relates to
UPC!**

- ❑ UPC has not been able to offer "optional" training such as: Advanced Trial Skills, Mental Health, DUI/DRE, Train the Trainer or other courses due to budget cuts.
- ❑ UPC had to cancel its Basic Prosecutor Course in 2020 due to COVID budget cuts.
- ❑ Grants are not a secure source of funding and cannot be relied upon.

UPC | UTAH PROSECUTION COUNCIL

Training and Serving Utah Prosecutors Since 1990

Robert Church

Director

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UPC is a Vital and Absolute
Necessity for Utah's
Prosecutors.

UPC is the only entity that trains
Utah's prosecutors on Utah law.

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ELDER
TOOELE
JUAB
MILLARD
BEAVER
IRON
WASHINGTON
KANE
JUAN
DAVIS
SUMMIT
CARBON
ENERGY
GRAND
SAN
JUAN
UTAH

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What is UPC and what does it do?

U.C.A. 67-5A-1

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S W A P



STATEWIDE ASSOCIATION OF
PROSECUTORS & PUBLIC ATTORNEYS

But first,

We are NOT the
Statewide Association
of Prosecutors and
Public Attorneys of
Utah (SWAP).

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The Utah Prosecution Council, U.C.A. 67-5A-1

- We are housed within the Attorney General's Office.
- We are a line item on the Attorney General's budget.
- However, we are a separate entity governed by a Council of 12 members:
 - The Attorney General;
 - Commissioner of Public Safety;
 - Four currently serving County or District Attorneys
 - Four City Prosecutors;
 - The Chair of the Board of Directors of the Statewide Association of Prosecutors and Public Attorneys of Utah (SWAP); and
 - The Chair of the governing board of the Utah Prosecutorial Assistants Association



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Council Full-Time Staff

- Robert Church - Prosecutor
 - Director
- Marlesse Jones – Prosecutor
 - Sexual Assault/Domestic Violence Resource Prosecutor (SADVRP)
- Tyson Skeen – Prosecutor
 - Traffic Safety Resource Prosecutor (TSRP)
- Marilyn Jasperson
 - Training Coordinator
- Ron Weight
 - IT Technician
 - Manages case management system that assists prosecutors in complying with 2020's HB288 Prosecutor Data Collection Amendments U.C.A. 63M-7-213



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UPC's Statutory Authority and Mandate U.C.A. 67-5a-1



UPC ***shall*** provide training and continuing legal education for state and local prosecutors; and



Provide assistance to local prosecutors;



As funds are available and as are budgeted for this purpose, provide reimbursement for unusual expenses related to prosecution for violations of state laws; and



Provide training and assistance to law enforcement officers, as required by statute.

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UPC is the only entity that trains prosecutors in Utah's criminal laws.

The Utah State Bar does not offer this training, never has, never will, because of UPC.

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UPC is a “Presumptively
approved CLE provider”
by the Utah State Bar
Rule 14-412 Supreme Court Rules of
Professional Practice



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UPC CLE Training

- In a “normal” calendar year we offer the following conferences
 - Spring Legislative and Case Law Update
 - Prosecutorial Assistant’s Association Conference
 - Misdemeanor Prosecutor Conference
 - Fall Prosecutor Conference
 - Government Civil Attorney Conference
 - Basic Prosecutor Course
- Due to COVID-19 Budget Reduction Cut of \$24,200 we were unable to hold the Basic Prosecutor Course that year.

We are asking for the restoration of these funds in order to fully fund our training program.

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With the
restoration
of funding
we can
offer:

Train the Trainer

Advanced Trial Skills

- Not held since 2014

Specialty Courses

- Mental Health
- DUI
- Sexual Assault for Prosecutors
- DV101
- Homicide and Violent Crime
- Human Trafficking

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Continuing Legal Education (CLE) Requirements

Rule 14-404, Supreme Court Rules of Professional Practice

- Yearly, 12 hours of Utah approved CLE.
 - One of those hours must be accredited ethics;
 - One of those ethics shall be in the area of professionalism and civility.
 - This now includes training in well-being and mindfulness, something we've been training on for several years.

UPC is a "Presumptively
approved CLE provider" by the
Utah State Bar

Rule 14-412 Supreme Court Rules of Professional Practice



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A Utah Prosecutor Earns Enough CLE By Attending UPC Conferences

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- **Spring Conference, 2021 (10.5 hours)**
 - 9.5 hours regular CLE
 - 1 hour of Ethics
- **Fall Conference, 2021**
 - 13 hours regular CLE
- **Misdemeanor Prosecutor Conference, 2021 (9.5 hours)**
 - 7 hours regular CLE
 - 2.5 hour of Ethics
- **Government Civil Conference, 2021 (13 hours)**
 - 10 hours regular CLE
 - 1 hour of Ethics
 - 1 hour of Professionalism/Civility
- **Prosecutor Assistant's Association Conference, 2021**
 - 11 hours regular CLE



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Prosecutors Since 1990

www.upc.utah.gov

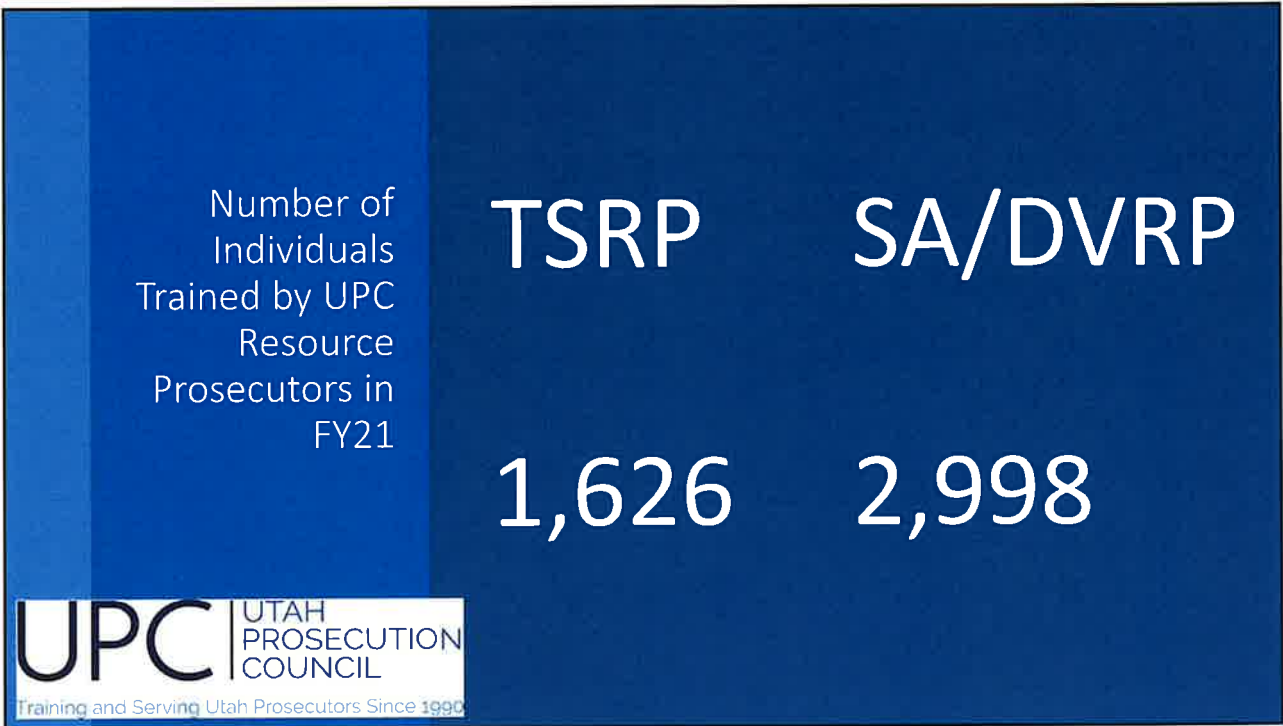
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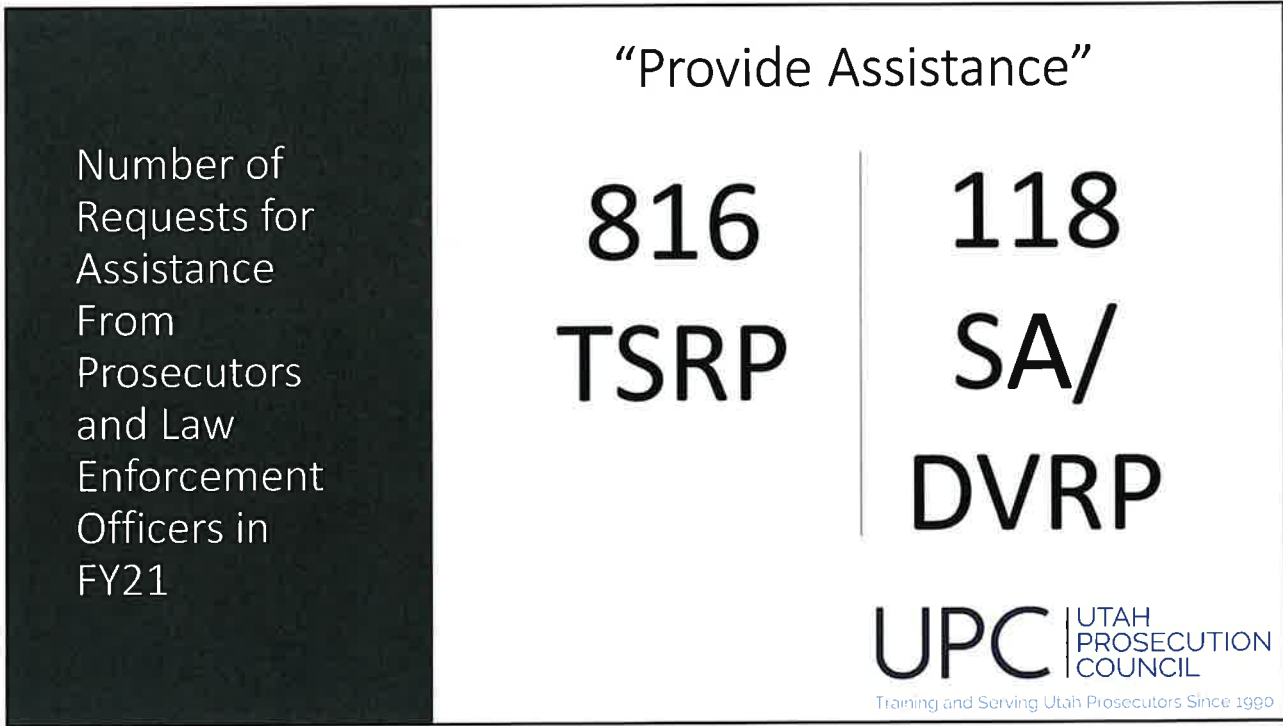
Training and Serving Utah Prosecutors Since 1990

- **Calendar Year 2021 Training**
 - 1,318 actual and virtual seats filled
- **Calendar Year 2022 Training**
 - 8 Conferences
 - **Regional Training**
 - Legislative Updates
 - Sexual Assault/Trauma Informed Training
 - DUI Related Issues
 - POST
- **Registration Fee: \$125 (this includes \$15 CLE processing fee)**

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“Provide Assistance” TSRP

- Training Events
 - 1,626 LEOs and Prosecutors trained
 - 46 regional trainings
- Committees
 - Alcohol Drug and Fee Committee (Chair)
 - Criminal Justice Track for the National Lifesaver’s Conference
 - Utah e-Warrant Review Committee



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“Provide Assistance” SA/DVRP

- Training Events
 - 2,998 LEOs and Prosecutors trained
 - 61 regional trainings
 - Sexual Assault/Trauma Informed Training at POST and Regionally
- Committees
 - Utah Council for Victims of Crime, Crime Victims Conference Sub-Committee (Co-Chair)
 - Sexual Assault Kit Initiative (SAKI) Case Review Committee
 - Domestic Violence Advisory Council, Sexual Assault Advisory Council and Justice Sub-committee
 - Multi-Disciplinary Trauma Informed Committee
 - Trauma Curriculum Committee (Chair)



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“Provide Assistance”



- **FY 21 Regional Legislative Updates**
 - Trained in 32 Locations
 - Trained 626 officers
- **Best Practices Recommendations**
- **Brady/Giglio Recommendations**
- **Webpage www.upc.utah.gov**
 - Conference registration
 - Members Only
 - Toolbox
 - CLE reporting and tracking
 - Technical information
 - Case law updates
- **Google Forum**
 - Felony and Misdemeanor Prosecutors
 - Juvenile Prosecutors
- **John R. Justice Student Loan Repayment Program**
- **eProsecutor - Case Management Software**
 - Assists prosecutors in complying with 2020's HB288 Prosecutor Data Collection Amendments U.C.A. 63M-7-213

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You See Our Value



- **1990**
 - You created us and told us to train your prosecutors.
- **2017's HB200**
 - Trauma Informed Training of LEO's
- **2020's HB288**
 - Prosecutor Data Collection Amendments (using the case management software we manage)
- **2021's SB98**
 - Asset Forfeiture Training
- **2022's SB35 Expungement Modification**
 - Require UPC to collect and maintain contact information of all prosecuting entities, provide it to the AOC and publish it to our webpage.
 - NOTE: You'd think we'd have that information already, but we only have information on those prosecutors and offices that come to our training.
 - Think: contract prosecutors who may only prosecute part time.
 - If they don't come, we don't know who they are.
 - We will have to hire someone to collect that information for us.
 - The benefit is we will now know who they are and can reach out to them and invite them to join us at our training.

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Grants and Spending Authority

- Grants are not a sure source of funds and cannot be relied upon.
- Grant opportunities may present themselves mid-year and without proper spending authority, the funds cannot be spent, and a training opportunity is lost.



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HB006 EOCJ Base Budget

• General Funds:	\$676,400
• Includes funding from HB200's Trauma Informed Training	
• Federal Funds:	35,300
• John R. Justice Loan Student Loan Repayment (passthrough)	
• Dedicated Credits	78,400
• Conference registration fees, case management user fees	
• Revenue Transfers	290,300
• TSRP grant, CCJJ pass through funds	
Total:	\$1,080,400

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FY21 Performance Measures



1. The percentage of prosecutors whose continuing legal education credits come solely from UPC conferences. Of 388 responses:

- 16% receive their CLE solely from UPC;
- 44% responded they receive 75-99% of their CLE solely from UPC;
- 30% responded they receive 50-74% of their CLE solely from UPC; and
- 10% said they receive 0-49% of their CLE solely from UPC.

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FY21 Performance Measures



2. The percentage of prosecutors asked at conferences who respond they will use a trauma expert at trial as a result of this trauma-informed training. Of 207 responses:

- 01% said they would not at all use an expert;
- 12% said they would be less likely to use an expert;
- 30% said they would likely use an expert;
- 25% said they would more than likely use and expert; and
- 23% said they would definitely use an expert.

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FY21 Performance Measures



3. The percentage of prosecutors asked at conferences which provide training on domestic violence and using all available evidence who responded they will proceed to trial without the participation of the victim. Of 193 who received such training:

- 01% said they would not proceed at all;
- 18% said they were less likely to proceed;
- 37% said they were likely to proceed;
- 26% said they were more than likely to proceed; and
- 17% said they would definitely proceed to trial without the participation of the victim.

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Utah Has Highly Professional
and Ethical Prosecutors
Because of UPC's Training

The State of Utah has a Vested
Interest in Fully Funding the
Training of Utah's Prosecutors

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Utah Prosecutors Prosecute State Law

- All felonies and many misdemeanors are prosecuted in the name of the State.
- Prosecutors do not have paying clients.
- Their clients are the State, the people of Utah.

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What Happens When Your Prosecutors Are Poorly Trained

- The training they give their law enforcement officers is equally poor.
- Poorly trained officers result in errors made on the street.
- Those errors can result in significant liability to the state through expensive litigation, court judgements or settlement agreements.

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Well trained
prosecutors and police
officers ensure that
justice is served.

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The Attorney General's Office Has Ultimate Review Authority Over All 1st Degree Felonies

- Most, if not all, cases reviewed are the result of alleged error or mishandling of the cases.
- Errors occur as a result of poor training.
- When more cases are reviewed, there is an increase in the cost to the state from:
 - Hiring additional staff to review or defend these cases.
 - Paying expensive settlement costs, court judgements, etc.
- These costs can be reduced or minimized by well trained prosecutors.


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Efficiency Savings Being Proposed by the LFA

- Raise registration fees by \$50 in FY22.
- Raise registration fees by \$50 during the following 5 years.
- \$425 per course registration fee.
- Cost savings to the state of \$28,800 per year

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\$425 per course will
become cost
prohibitive for most
offices!



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Increasing
registration fees will
only result in UPC
coming back each
year asking for more
general funds.

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A savings of \$28,800 pales in
comparison to the value the
state gains from investing in the
training of its prosecutors.

**Do NOT approve the LFA's
efficiency savings proposal
as it relates to UPC.**

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Thank you.

Questions?